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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,822	11/24/2003	Masaki Shimada	534101-7	8008

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2162

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/723,822	Applicant(s) SHIMADA ET AL.	
	Examiner JEAN B. FLEURANTIN	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>(6/18 & 4/17)/2008</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

SUPPLEMENTAL ACTION

1. This is in response to Applicant(s) arguments filed 03/16/2007.

The following is the current status of claims:

Claims 12-18 have been added.

Claims 1-18 are presented for examination.

Communication (status letter) filed on 12/16/05 is acknowledged.

The Preliminary Amendment filed 11/24/2004 (see the evidence submitted 03/16/2007).

Therefore, **previously Office action, dated 2/07/2007, has been vacated.**

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 03/15/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The Drawings submitted on 11/24/03 are acknowledged.

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Objections / Specification

The abstract is objected to because of "to / from" and "transmit / receive". Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of "insertion / ejection", "in / from" and transmitting / receiving". The Examiner suggests the Applicants to amend the claim in order to be more specific.

Claim 2 is objected to because of "insertion / ejection" and transmitting / receiving". The Examiner suggests the Applicants to amend the claim in order to be more specific.

Claim 3 is objected to because of "insertion / ejection". The Examiner suggests the Applicants to amend the claim in order to be more specific.

Claim 4 is objected to because of "insertion / ejection", "in / from" and transmitted / received". The Examiner suggests the Applicants to amend the claim in order to be more specific.

Claims 8 and 15 are objected to because of "and / or". The Examiner suggests the Applicants to amend the claim in order to be more specific.

Claim 11 is objected to because of "transmission / reception". The Examiner suggests the Applicants to amend the claim in order to be more specific.

Claim 10 is objected to because of "transmission / reception" and "to / from". The Examiner suggests the Applicants to amend the claim in order to be more specific.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by USPTNo. 6,588,667 issued to Nakano et al., ("Nakano").

The applied reference has a common Konica with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Nakano discloses "an information processing apparatus comprising: a first insertion/ejection portion in/from which a first recording medium can be inserted/ejected" (i.e., recording medium inserted or pulled out from the reading apparatus; see col. 4, lines 23-25) and "which can at least read out digital information from the inserted first recording medium" (i.e., data recorded into the recording medium; see col. 4, lines 32-36 and Fig. 1);

"a second insertion/ejection portion in/from which a second recording medium can be inserted/ejected and which can read out and write digital information from and in the inserted second recording medium; control means" (i.e., reading data apparatus, computer and external; see col. 4, lines 35-45 and Fig. 1); and

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"an operating member which starts operation of reading out digital information from the first recording medium and writing the information in the second recording medium, wherein said first and second insertion/ejection portions are connected to be capable of transmitting/receiving digital information" (i.e., limiting information is transmitted; see col. 2, lines 33-45 and 4, 65 to col. 5, line 10),

and "said control means searches for digital information recorded on the first recording medium inserted in said first insertion/ejection portion in accordance with operation of said operating member, buffers date data of a file, of the found files, which is set at a predetermined rank, creates a new directory in the second recording medium inserted in said second insertion/ejection portion" (i.e., directory information represents the name of a predetermined directory indicating a record in which the data information of a predetermined format is recorded in the recording medium by the digital still camera; see col. 5, lines 16-20), "writes the buffered date data as a creation date of the directory, and writes all the digital information recorded on the first recording medium into the newly created directory" (i.e., writing in new data information in a region of the recording medium; col. 3, lines 44-46).

As per claim 2, in addition to claim 1, Nakano further discloses "said connecting portion are connected such that digital information can be transmitted/received from one of said portions to another portion, and said control means permits transmission/reception of digital information, through said connecting portion, between the external device and the first recording medium inserted in said first insertion/ejection portion and/or the second recording medium inserted in said second insertion/ejection portion when detecting that the external device is connected through said connecting portion, and inhibits transmission/reception of digital information through said connecting portion when not detecting that the external device is connected through said connecting portion" (i.e., limiting information is transmitted as an external apparatus; see col. 2, lines 33-34 and Fig. 1).

As per claim 3, in addition to claim 1, Nakano further discloses "when detecting that the external device is connected through said connecting portion, said control means reads out digital information from the first recording medium inserted in said first insertion/ejection portion and inhibiting a direct write in the second recording medium inserted in said second insertion/ejection portion even if said operating portion is operated" (i.e., recording medium connecting to terminals are used as terminals, memory card; col. 4, lines 38-45).

As per claim 4, in addition to claim 1, Nakano further discloses a connecting portion which can be connected to an external device" (i.e., recording medium connecting to terminals are used as terminals, memory card; col. 4, lines 38-45 and Fig. 2, item 310).

As per claims 5-11, the limitations of claims 5-11 are similar to claims 1-4, therefore, the limitations of claims 5-11 are rejected in the analysis of claims 1-4, and these claims are rejected on that basis.

As per claims 12-18, the limitations of claims 12-18 are similar to claims 1-4, therefore, the limitations of claims 12-18 are rejected in the analysis of claims 1-4, and these claims are rejected on that basis.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Otsuka et al., U.S. Patent No. 5,454,096 relates to a storage management system for a memory card.

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CONTACT INFORMATION

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 - 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 - 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JEAN B. FLEURANTIN/

Primary Examiner, Art Unit 2162